

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

KATELYN HANKS,

Plaintiff,

v.

EL RANCHITO RESTAURANTS, LLC AND  
SANCHEZ & SANCHEZ, LLC,

Defendants.

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Civil Action No. 3:18-cv-01752-S

**DEFENDANTS EL RANCHITO RESTAURANTS, LLC AND SANCHEZ & SANCHEZ,  
LLC'S ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

Defendants El Ranchito Restaurants, LLC and Sanchez & Sanchez, LLC ("Defendants") files this their Original Answer to Plaintiff Katelyn Hanks' ("Plaintiff") Original Complaint, and would respectfully show the Court as follows:

**I. JURISDICTION**

1. As to Complaint paragraph 1, Defendants admit that this Court has jurisdiction over the alleged claims. Defendants, however, deny the remaining allegations, opinions and legal conclusions, including that they failed to remove physical barriers to access and violation of Title III of the ADA.

**II. PARTIES**

2. Defendants are without sufficient knowledge or other information so as to admit, deny or otherwise respond to the factual allegations in Complaint paragraph 2.

3. Defendants are without sufficient knowledge or other information so as to admit, deny or otherwise respond to the factual allegations in Complaint paragraph 3.

4. Defendants are without sufficient knowledge or other information so as to admit, deny or otherwise respond to the factual allegations in Complaint paragraph 4.

5. Defendants are without sufficient knowledge or other information so as to admit, deny or otherwise respond to the factual allegations in Complaint paragraph 5.

6. Defendants are without sufficient knowledge or other information so as to admit, deny or otherwise respond to the factual allegations in Complaint paragraph 6.

7. Defendants admit the factual allegations in Complaint paragraph 7.

8. Defendants admit the factual allegations in Complaint paragraph 8.

9. Defendants admit the factual allegations in Complaint paragraph 9.

10. Defendants admit the factual allegations in Complaint paragraph 10.

### **III. FACTUAL ALLEGATIONS**

11. Defendants admit that “El Ranchito” is a restaurant located at 610 W. Jefferson Blvd., Dallas, Texas 75208. Defendants are without sufficient knowledge as to admit, deny, or otherwise respond to the allegation that Plaintiff visited and was a customer of “El Ranchito” on January 10, 2018.

12. Defendants admit the factual allegations in Complaint paragraph 12.

13. Defendants admit the factual allegations in Complaint paragraph 13.

14. Defendants are without sufficient knowledge or other information so as to admit, deny or otherwise respond to the factual allegations in Complaint paragraph 14.

15. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 15.

16. Defendants are without sufficient knowledge or other information so as to admit, deny or otherwise respond to the factual allegations in Complaint paragraph 16.

17. Defendants are without sufficient knowledge or other information so as to admit, deny or otherwise respond to the factual allegations in Complaint paragraph 17.

18. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 18.

**IV. COUNT I:  
VIOLATIONS OF THE ADA AND ADAAG**

19. Complaint paragraph 19 states only legal conclusions to which no response is required.

20. Complaint paragraph 20 states only legal conclusions to which no response is required.

21. Complaint paragraph 21 states only legal conclusions to which no response is required.

22. Complaint paragraph 22 states only legal conclusions to which no response is required.

23. Complaint paragraph 23 states only legal conclusions to which no response is required.

24. Complaint paragraph 24 states only legal conclusions to which no response is required.

25. Complaint paragraph 25 states only legal conclusions to which no response is required.

26. Complaint paragraph 26 states only legal conclusions to which no response is required.

27. Complaint paragraph 27 states only legal conclusions to which no response is required.

28. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 28.

29. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 29.

30. Defendants are without sufficient knowledge or other information so as to admit, deny or otherwise respond to the factual allegations that Plaintiff has attempted to, and has to the extent possible, accessed El Ranchito and the Property as a customer of El Ranchito and the Property and as an independent advocate for the disabled. Defendants deny the remaining allegations, opinions and legal conclusions in Complaint paragraph 29.

31. Defendants are without sufficient knowledge or other information so as to admit, deny or otherwise respond to the factual allegations that Plaintiff intends to visit El Ranchito and the Property again in the very near future as a customer and as an independent advocate for the disabled. Defendants deny the remaining allegations, opinions and legal conclusions in Complaint paragraph 29.

32. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 32.

33. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 32.

34. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 34.

35. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 35.

36. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 36.

37. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 37.

38. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 37.

39. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 39.

40. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 40.

41. Defendants deny the factual allegation in Complaint paragraph 41.

42. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 42.

43. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 43.

44. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 44.

45. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 45.

46. Defendants deny the allegations, opinions and legal conclusions in Complaint paragraph 46.

47. Defendants deny that Plaintiff is entitled to any relief, requested or otherwise, by virtue of any allegation of fact, opinion or legal conclusion set forth in the Complaint.

#### **V. AFFIRMATIVE DEFENSES**

Without assuming any burden of proof that they would not otherwise bear, and reserving its right to amend its Answer to assert additional defenses as they may become known during discovery, Defendants assert the following defenses and/or affirmative defenses:

1. First Defense. The Complaint fails to state a claim upon which relief may be granted.
2. Second Defense. Plaintiff failed to take reasonable steps to mitigate any damages alleged to be sustained.
3. Third Defense. Plaintiff's claim may be barred, in whole or in part, by failure to timely and/or thoroughly exhaust administrative prerequisites to suit and/or to adequately comply with other applicable statutory requirements.
4. Fourth Defense. Any and all acts, conduct, and/or omissions of Defendants with regard to conduct toward Plaintiff were in good faith and without oppression or malice toward Plaintiff and her rights, thereby precluding claims for punitive damages.
5. Fifth Defense. Removal of the alleged barriers is not readily achievable.

Respectfully Submitted,

/s/ Paul M. Lanagan  
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ATTORNEYS FOR DEFENDANTS  
EL RANCHITO RESTAURANTS, LLC AND  
SANCHEZ & SANCHEZ, LLC

**CERTIFICATE OF SERVICE**

I certify that on August 22, 2018, I caused a true and correct copy of the foregoing document to be served on counsel of record for Plaintiff via the Court's CM/ECF system pursuant to the local rules of this Court.

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